IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 21950 of 2004(K)

PETITIONER:

K.N.GANGADHARAN, (RETD.),
PRANAVAM, NORTH MANKUZHY MURI,
THEKKEKARA VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.PRAKASH

RESPONDENTS:
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1. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

2. THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DDE, PATHANAMTHITTA.

3. THE TEXT BOOKS OFFICER (T.B.O),
OFFICE OF THE T.B.O., PADMAVILASAM ROAD,
THIRUVANANTHAPURAM.

4. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, TALUK OFFICE,
MAVELIKARA.

5. THE VILLAGE OFFICER,
THEKKEKARA VILLAGE OFFICE,
MAVELIKKARA.

BY GOVERNMENT PLEADER SRI. K.P. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LETTER DATED 7.1.2002 SENT BY THE THIRD RESPONDENT TO THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE REPLY SENT BY THE PETITIONER TO THE 1ST RESPONDENT DATED 15.4.2002

EXT.P3 TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO THE 2ND RESPONDENT DATED 4.5.2000

EXT.P4 TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE FOURTH RESPONDENT TO THE PETITIONER DATED 1.3.2004

EXT.P5 TRUE COPY OF THE NOTICE TO SHOW CAUSE ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER DATED 4.3.2004

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 21950 OF 2004

Dated this the 21st day of November, 2007

JUDGMENT

Writ Petition is filed by the petitioner, who is a retired employee in the Education Department, challenging the demand of compensation for loss of text books while he was in charge of stores. Petitioner has denied the allegations. It is seen that the demand is raised through a brief order vide Ext.P1 issued nearly two years after petitioner's retirement. Petitioner has filed detailed objections vide Ext.P2 and a previous letter about want of facility for storage vide Ext.P3. Even though detailed counter is filed stating that petitioner is responsible for the loss, I feel petitioner's objections were not considered before issuing Ext.P1 by the first respondent. Petitioner has also stated that he was not the sole person in charge of the stores; and there was another person jointly acting as store keeper. The demand and recovery without proper adjudication of the loss after hearing the petitioner and after considering his objections are not justified. W.P. is accordingly disposed of directing the first respondent to consider Ext.P2 and Ext.P3

filed by the petitioner, verify the claim of the petitioner and issue a detailed notice to the petitioner stating the basis on which petitioner is liable for the loss. If he is liable he should be given an opportunity of hearing and determine the liability within four months from now. If the petitioner has made payment of Rs. 15,000/- in terms of interim order dated 15.11.2004, then recovery of the balance will remain stayed for four months and thereafter recovery will be based on proper adjudication order to be issued by the first respondent as directed above.

(C.N. RAMACHANDRAN NAIR)
Judge